

DELTA PROTECTION COMMISSION

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October 2, 1997

Jim Monroe, Chief
Sacramento/San Joaquin Delta Office, Regulatory Branch
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Subject: Conditions Proposed by U.S. Fish and Wildlife Service (FWS) and National
Marina Fisheries Service (NMFS) for Corps Regionwide Permits to Require
Installation of Fish Screens as a Condition of Maintenance of Existing Water
Intake Devices in the Delta

Dear Mr. Monroe:

Thank you for allowing Delta Protection Commission staff to participate in the meeting held in your office on August 19, 1997 to discuss the proposed condition to require installation of a fish screen when maintenance of an existing water intake device is authorized by a Corps nationwide permit.

The Commission is a State land use planning and regulatory agency with members that represent six State agencies, the five Delta counties, the three Delta Councils of Governments and five Reclamation Districts. The Commission submits these as advisory comment, based on the Commission's mandated responsibilities of protecting existing Delta land uses, particularly agriculture.

The Commission was briefed on this matter, and discussed the proposed condition at its meeting of September 25, 1997. The Commission based its discussion on the Delta Protection Act of 1992, the Commission's adopted plan, "Land Use and Resource Management Plan for the Primary Zone of the Delta", and current information about fish screens and water intake devices in the Delta.

The proposed blanket condition, to require installation of a fish screen on each water intake device as a condition of issuance of a Corps' nationwide permit is unreasonable and unwarranted based on the high cost of the installation of the fish screen in relationship to the cost of maintenance of an existing pump or siphon. In addition, based on the limited operation of many of the pumps and siphons, it is reasonable to defer adoption of such a condition until

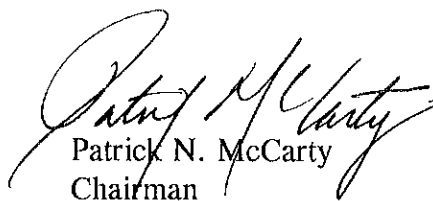
such time as data collected in current studies is released; until the current DWR study associated with Interim South Delta program is completed; and, if approved, the studies proposed under pending for Category III grant funds are completed. This information could then be used as a basis for implementing a regionwide plan to prioritize installation of fish screens to maximize the benefits of such a program.

Due to the high cost of installing screens, it would be inappropriate to initiate such a program until such time as a regional plan is developed and funding sources identified to implement the program. The estimated cost of installing just one new fish screen at approximately \$50,000 per screen could have a devastating impact on the local agricultural economy. For example, screening all 43 existing intakes on McDonald Island could cost over two million dollars; a cost which would average over \$350 per acre of land on the island.

Of course under current policy new diversions will be screened, and existing diversions will continue to be screened as outlined in the current State policy as outlined in the Department of Fish and Game's memo dated February 2, 1994, and updated April 14, 1997, and as funded by ongoing State and federal programs.

We look forward to working with you on development and implementation of a reasonable and effective program to protect Delta aquatic species and to allow continuation of Delta agriculture in a cost-effective and efficient manner.

Sincerely,



Patrick N. McCarty
Chairman

cc: U.S. Fish and Wildlife Service
National Marine Fisheries Service
Senator Barbara Boxer
Senator Dianne Feinstein
Congressman Vic Fazio, 3rd District
Congresswoman Ellen Tauscher, 10th District
Congressman Richard W. Pombo, 11th District
Senator Patrick Johnston, 5th District
Senator Richard K. Rainey, 7th District
Assembly Member Larry Bowler, 10th District
Assembly Member Tom Torlakson, 11th District
Assembly Member Lynn C. Leach, 15th District
Assembly Member Mike Machado, 17th District
